

MEMORANDUM

TO: Board of Adjustment
FROM: Aaron Nelson, Planning Coordinator *AN*
Maggie Squyer, Assistant Planner
DATE: July 16, 2019
RE: Board of Adjustment Meeting

The next meeting of the Board of Adjustment will be held on Tuesday, July 23, 2019 at 9:00 a.m. in the Commission Chambers at the **NEW** Fargo City Hall. If you are not able to attend, please contact staff at (701) 241-1474 or planning@FargoND.gov. Thank you.

BOARD OF ADJUSTMENT
Tuesday, July 23, 2019 9:00 a.m.
Commission Chambers
AGENDA

1. Approve Minutes of June 25, 2019 Meeting
2. New Business
(none)
3. Other Business
 - a) Annual Nomination and Election of Officers
 - Chairperson
 - Vice-Chairperson
4. Adjournment

Board of Adjustment meetings are broadcast live on cable channel TV Fargo 56 and can be seen live by video stream on www.FargoND.gov/streaming. They are rebroadcast each Tuesday at 9:00 a.m. for one month following the meeting.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

BOARD OF ADJUSTMENT MINUTES

Regular Meeting:

Tuesday, June 25, 2019

The Regular Meeting of the Board of Adjustment of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 9:00 a.m., Tuesday, June 25, 2019.

The Members present or absent were as follows:

Present: Deb Wendel-Daub, Matthew Boreen, Michael Love, Mike Mitchell

Absent: Mark Lundberg, Russell Ford-Dunker

Chair Love called the meeting to order.

Item 1: Approval of Minutes: Regular Meeting of May 28, 2019

Member Boreen moved the minutes of the May 28, 2019 Board of Adjustment meeting be approved. Second by Member Wendel-Daub. All Members present voted aye and the motion was declared carried.

Item 2: New Business

a) Variance Request – 4288 Clubhouse Drive: DENIED

Request for a variance of Section 20-0403 of the LDC. The requested variance is to allow a side yard fence to exceed height restrictions within the SR-3, Single-Dwelling Residential zoning district.

Assistant Planner Maggie Squyer presented the staff report and reviewed the criteria used during staff's analysis of the application. Ms. Squyer stated staff is recommending denial, as review criteria (c) has not been met.

Member Wendel-Daub moved the findings of staff be accepted and the variance be denied as requested. Second by Member Mitchell. Upon call of the roll Members Wendel-Daub, Boreen, Mitchell, and Love voted aye. Absent and not voting: Members Ford-Dunker and Lundberg. The motion was declared carried.

Item 3: Other Business


No other business was presented.

Item 4: Adjournment:

Member Boreen moved to adjourn the meeting at 9:06 a.m. Second by Member Wendel-Daub. All Members present voted aye and the motion was declared carried.

MEMORANDUM

TO: Fargo Board of Adjustment

FROM: Aaron Nelson, Planning Coordinator 

DATE: July 16, 2019

SUBJECT: Item 3.a – Annual Election of Officers

According to the Bylaws of the Board of Adjustment, *“At the regular annual meeting on the fourth Tuesday of July of each year, the Board shall elect a Chairperson and Vice-Chairperson for the ensuing year.”*

As you may recall, the Board of Adjustment did not meet in July of 2018 due to there being no applications to consider, and subsequently did not meet again until April 23, 2019. In recent years, our practice has been to cancel meetings of the Board of Adjustment in months where there are no applications to consider.

At the April 2019 meeting of the Board of Adjustment, the Board elected officers for the remainder of the 2018-2019 term and discussed how to handle annual elections in years where there are no applications to consider at the July meeting. The Board opted to hold elections at the regular July meeting, regardless of if there are any applications to be considered by the Board in July. As such, at the July 23, 2019 meeting, the Board shall elect a Chairperson and Vice-Chairperson for the ensuing year.

Attachment

**BOARD OF ADJUSTMENT
BY-LAWS
CITY OF FARGO
(ADOPTED AUGUST 27, 2013)**

The Board of Adjustment for the City of Fargo, North Dakota, hereinafter referred to as the "Board," does hereby adopt these by-laws that shall govern its internal operations.

I. MEMBERSHIP

The Board shall be composed of those individuals who have been duly appointed thereto by the Board of City Commissioners.

The Board shall consist of five (5) members and one (1) alternate to be appointed for three (3) year terms by the Mayor and subject to confirmation by the City Commission.

Vacancies shall be filled in the same manner as other appointments to the Board.

II. OFFICERS

The Chairperson shall generally preside and conduct all Board meetings, with the advice and consent of other members, may appoint committees from Board members to perform specific duties.

The Vice Chairperson - In the event of the absence, disability, resignation or conflict of interest of the Chairperson, the Vice-Chairperson shall exercise all the powers and duties of said Chairperson, performing this function, the Vice Chairperson shall automatically become Board Chairperson and the position of Vice Chairperson shall be deemed vacant and the Board may elect from its own members a successor Vice Chairperson to fill this vacancy at its next meeting.

III. MEETINGS

Quorum - A quorum shall consist of four (4) members.

Annual Meeting - At the regular annual meeting on the fourth Tuesday of July of each year, the Board shall elect a Chairperson and Vice-Chairperson for the ensuing year.

Meetings - The Board shall meet on the fourth Tuesday of each month at 9:00 o'clock a.m. If the regular meeting date falls on a holiday when the City governing offices are generally closed, the meeting will be held on the regular meeting day and time of the succeeding week.

Continued Meetings - The City will send out re-notification to all interested parties when a variance request has been tabled by the Board.

Meeting Location - All regular meetings of the Board shall be held in the City Commission Room unless otherwise published or distributed in the public notice for the public hearing.

Order of Business - The items of business to be considered at any meeting shall be specified on the notice of such meetings, which shall be the meeting agenda and which shall be transmitted to each member not later than five days immediately preceding the meeting date. Items of business at any meeting will be considered by the Board in the order in which they appear on the meeting agenda and, except in the cases of emergency or mistake, no items shall be added thereto after said written agenda is transmitted to Board members.

Records - The Board shall keep a record of its resolutions, transactions, findings, and determinations; and, such record shall be a public record.

IV. VOTING

All Board members, including the Chairperson and Vice-Chairperson, shall be entitled to one equal vote at any meeting. There shall be no voting by proxy. Dissenting votes or abstentions on any matter presented to the Board shall be clearly expressed orally or in writing when voting is in process. All administrative matters, other than appeals presented for Board consideration, shall be decided by the majority vote of those present at the meeting. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the building official or to decide in favor of the applicant any matter upon which it has jurisdiction.

V. COMPENSATION

All members of the Board shall serve without compensation. When duly authorized by the Board, members thereof may attend planning conferences or meetings of planning institutions or hearings upon legislation, and the Board may pay the reasonable traveling expenses incidental to such attendance pursuant to a resolution spread upon its minutes.

VI. PURPOSE

The purpose of this Board is to provide for deviations from the literal provisions of the Zoning codes in specific instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances to those particular parcels only when it is demonstrated that such actions will be in keeping with the spirit and intent of this code.

VII. OTHER PROCEDURES

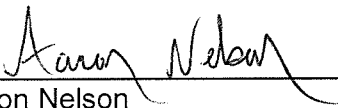
All operating procedures not specifically provided for herein shall generally be governed by "Robert's Rules of Order" which is hereby incorporated for purposes of reference. In the event any provision of "Robert's Rules of Order" are inconsistent herewith, these By-Laws shall govern.

VIII. CONTROL OF LAW

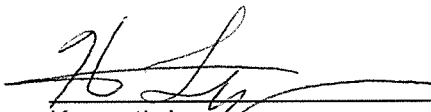
The By-Laws of the Board generally shall be governed by the applicable ordinances of the City of Fargo, laws of the State of North Dakota, and laws of the United States of America and any provisions herein inconsistent or in conflict with such laws or ordinances shall be deemed void.

IX. AMENDMENT AND REPEAL

Except when in conflict with state statutes, these By-Laws may be amended or repealed from time to time by the affirmative vote of a majority of the appointed Board members at a meeting. Said By-Laws may be made inoperative regarding any particular subject matter by the affirmative vote of a majority of Board members.



Aaron Nelson
Secretary, Board of Adjustment



Kenneth Lepper
Chairperson, Board of Adjustment